

Olivieri is a principal, for the financing of the construction of certain condominium towers in Miami, Florida known as the Bentley Bay Towers.

4. Mellon Bank, the Trustee of Bell Atlantic Master Trust, has a significant presence in Massachusetts, including operations related to its institutional trust business and trust administration.

5. Fidelity is one of the world's largest providers of financial services with its principal place of business and headquarters in Boston, Massachusetts.

6. Fidelity Management Trust Company entered into a discretionary investment management agreement with GTE Service Corporation (now Bell Atlantic) giving Fidelity full authority to manage GTE Pension Trust's investments in Account No. 176230, including the mezzanine loan to FDA.

7. The transactions and agreements entered into by FDA and Fidelity on behalf of GTE Pensions Trust included (i) a Securities Purchase Agreement, (ii) a Promissory Note (the "Note"), (iii) a Pledge Agreement, and (iv) a Guaranty signed by Mr. Olivieri in his individual capacity (collectively, the "Transaction Documents").

8. Fidelity signed the Transaction Documents outside of Florida.

9. The Transaction Documents negotiated between FDA and Fidelity, on behalf of GTE Pensions Trust, for the financing of the Bentley Bay project were drafted, collected, assembled and held by Fidelity's counsel in Boston, Massachusetts.

10. Mr. Olivieri's signatures on the Transaction Documents, other than the Promissory Note, were delivered to Fidelity in Boston, Massachusetts.

11. Fidelity's decision to close on and fund the Note purchase was made in Boston, Massachusetts.

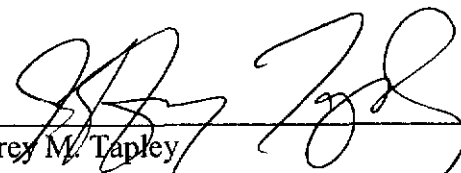
12. Mr. Olivieri physically signed the Note on behalf of FDA in New York at the offices of Fidelity's counsel and delivered the Note to Fidelity's counsel in those offices.

13. Fidelity's decisions as discretionary investment manager, on behalf of GTE Pensions Trust and Bell Atlantic Master Trust, to authorize disbursements under the Securities Purchase Agreement and the Cash Management Agreement were also made in Boston, Massachusetts.

14. Under the terms of the Securities Purchase Agreement, FDA's scheduled payments were to have been submitted to Deutsche Bank in New York, New York.

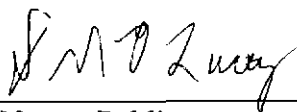
15. FDA did not make any payments under the terms of the Note.

16. On July 15, 2004, as result of FDA's failure to meet its obligations, Fidelity filed suit based on the Guaranty signed by Mr. Olivieri in his individual capacity.

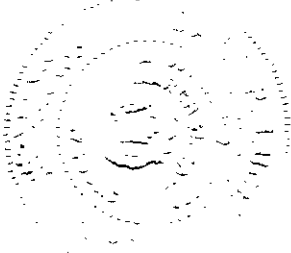


Jeffrey M. Tapley

Sworn before me this 5th
Day of November, 2004.



Notary Public



DAVID J. LUCEY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 31, 2011